

# SUPREME COURT OF WISCONSIN

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Case No.: 96-2893, 96-2895, 96-2916, 96-2917,  
96-2937, 96-2938, 96-2939

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Complete Title  
of Case:

96-2893:  
Erika Eneman and Amy Nadler,  
Plaintiffs-Appellants-Petitioners  
v.  
Pat Richter, Susan Riseling, David Williams,  
Defendants-Respondents.  
Per Mar Security & Research, Oxford Health Plans  
(Connecticut), Inc.,  
Defendants.

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96-2895:  
Tara L. Harrison, Gary Harrison and Louise  
Harrison,  
Plaintiffs-Appellants-Petitioners,  
v.  
Pat Richter, Mike Green and Susan Riseling,  
Defendants-Respondents,  
Per Mar Security & Research, Cigna Health Care,  
Defendants,  
David Williams,  
Defendant-Respondent,  
Struck & Irwin Fence, Inc., XYZ Insurance Corp.,  
Defendants.

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96-2916:  
Alyson J. Berowitz and Stephen S. Berowitz,  
Plaintiffs-Appellants-Petitioners,  
v.  
Pat Richter, Mike Green and Susan Riseling,  
Defendants-Respondents,  
Per Mar Security & Research,  
Defendant,  
David Williams,  
Defendant-Respondent,  
Struck & Irwin Fence, Inc., XYZ Insurance Corp.,  
Defendants

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96-2917:  
Rebecca S. Levin, David P. Levine and The  
Guardian Life Insurance Company of America,  
Plaintiffs-Appellants-Petitioners,  
v.  
Pat Richter, Mike Green and Susan Riseling,  
Defendants-Respondents,  
Per Mar Security & Research,  
Defendant,  
David Williams,

Defendant-Respondent,  
Struck & Irwin Fence, Inc. and XYZ Insurance  
Corp.,  
Defendants.

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96-2937:

Susan K. Roemer,  
Plaintiff-Appellant-Petitioner,  
Blue Cross & Blue Shield United of WI,  
Involuntary-Plaintiff,  
Susan Riseling,  
Defendant-Respondent,  
David Williams,  
Defendant,  
Patrick Richter,  
Defendant-Respondent,  
Michael Green,  
Defendant,  
David Ward,  
Defendant-Respondent,  
UW-Madison, Per Mar Security & Research and  
Struck & Irwin Fence, Inc.,  
Defendants.

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96-2938:

Stephanie M. Kaplan,  
Plaintiff-Appellant-Petitioner,  
John Alden Life Insurance Company, a foreign  
insurance corporation,  
Involuntary-Plaintiff,  
v.  
Susan Riseling,  
Defendant-Respondent,  
David Williams,  
Defendant,  
Patrick Richter,  
Defendant-Respondent,  
Michael Green,  
Defendant,  
David Ward,  
Defendant-Respondent,  
UW-Madison, Per Mar Security & Research and  
Struck & Irwin Fence, Inc.,  
Defendants

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96-2939:

Adam P. Read,  
Plaintiff-Appellant-Petitioner,  
v.  
Susan Riseling,  
Defendant-Respondent,  
David Williams,  
Defendant,  
Patrick Richter,  
Defendant-Respondent,

Michael Green,  
Defendant,  
David Ward,  
Defendant-Respondent,  
UW-Madison, Per Mar Security & Research and  
Struck & Irwin Fence, Inc.,  
Defendants.

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ON REVIEW OF A DECISION OF THE COURT OF APPEALS  
Reported at: 217 Wis. 2d 288, 577 N.W.2d 386  
(Ct. App. 1998, Unpublished)

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Opinion Filed: March 3, 1999  
Submitted on Briefs:  
Oral Argument: January 6, 1999

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Source of APPEAL  
COURT: Circuit  
COUNTY: Dane  
JUDGE: William D. Johnston

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JUSTICES:  
Concurred:  
Dissented:  
Not Participating: Abrahamson, C.J., did not participate.

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ATTORNEYS: For all the plaintiffs-appellants-petitioners there were joint briefs by *Lester A. Pines* and *Cullen, Weston, Pines & Bach*, Madison; *Richard F. Rice* and *Fox & Fox*, Madison; *Mark L. Thomsen* and *Cannon & Dunphy, S.C.*, Brookfield and oral argument by *Mark Thomsen & Lester A. Pines*.

For the defendants-respondents the cause was argued by *John J. Glinski*, assistant attorney general, with whom on the brief was *James E. Doyle*, attorney general.

Amicus curiae brief was filed by *Edward E. Robinson* and *Warshafsky, Rotter, Tarnoff, Reinhart & Bloch, S.C.*, Milwaukee for the Wisconsin Academy of Trial Lawyers.

**NOTICE**

This opinion is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

**No. 96-2893; 96-2895; 96-2916; 96-2917;  
96-2937; 96-2938; 96-2939**

**IN SUPREME COURT**

**STATE OF WISCONSIN**

**:**

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Erika Eneman and Amy Nadler,

Plaintiffs-Appellants-  
Petitioners,

v.

Pat Richter, Susan Riseling, David  
Williams,

Defendants-Respondents,

Per Mar Security & Research, Oxford  
Health Plans (Connecticut), Inc.,

Defendants.

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Tara L. Harrison, Gary Harrison and  
Louise Harrison,

Plaintiffs-Appellants-  
Petitioners,

v.

Pat Richter, Mike Green and Susan  
Riseling,

Defendants-Respondents,

Per Mar Security & Research, Cigna Health  
Care,

Defendants,

David Williams,

Defendant-Respondent,

Struck & Irwin Fence, Inc., XYZ Insurance  
Corp.,

Defendants.

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**FILED**

**MAR 3, 1999**

Marilyn L. Graves  
Clerk of Supreme Court  
Madison, WI

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Alyson J. Berowitz, and Stephen S.  
Berowitz,

Plaintiffs-Appellants-  
Petitioners,

v.

Pat Richter, Mike Green, Susan Riseling,

Defendants-Respondents,

Per Mar Security & Research,

Defendant,

David Williams,

Defendant-Respondent,

Struck & Irwin Fence, Inc., XYZ Insurance  
Corporation,

Defendants.

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Rebecca S. Levine, David P. Levine, The  
Guardian Life Insurance Company of  
America,

Plaintiffs-Appellants-  
Petitioners,

v.

Pat Richter, Mike Green, Susan Riseling,

Defendants-Respondents,

Per Mar Security & Research,

Defendant,

David Williams,

Defendant-Respondent,

Struck & Irwin Fence, Inc., XYZ Insurance  
Corporation,

Defendants.

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Susan K. Roemer,

Plaintiff-Appellant-Petitioner,

Blue Cross & Blue Shield United of WI,

Involuntary-Plaintiff,

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Susan Riseling,

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David Williams,

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Patrick Richter,

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Michael Green,

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David Ward,

Defendant-Respondent,

UW-Madison, Per Mar Security & Research,  
Struck & Irwin Fence, Inc.,

Defendants.

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Stephanie M. Kaplan,

Plaintiff-Appellant-Petitioner,

John Alden Life Insurance Company, a  
foreign insurance corporation,

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Susan Riseling,

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David Williams,

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UW-Madison, Per Mar Security & Research,  
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Adam P. Read,

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v.

Susan Riseling,

Defendant-Respondent,

David Williams,

Defendant,

Patrick Richter,

Defendant-Respondent,

Michael Green,

Defendant,

David Ward,

Defendant-Respondent,

University of Wisconsin - Madison, Per  
Mar Security & Research, Struck & Irwin

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Fence, Inc.,

Defendants.

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REVIEW of a decision of the Court of Appeals. *Affirmed.*

¶1 PER CURIAM. The court is equally divided on whether to affirm or reverse the decision of the court of appeals. Justice Donald W. Steinmetz, Justice William A. Bablitch, and Justice Jon P. Wilcox would affirm; Justice Ann Walsh Bradley, Justice N. Patrick Crooks, and Justice David T. Prosser would reverse. Chief Justice Shirley S. Abrahamson did not participate.

¶2 Accordingly, the decision of the court of appeals is affirmed.

